

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4016 of 2020

Arising Out of PS. Case No.-258 Year-2019 Thana- LAUKAHI District- Madhubani

Satish Kumar Sah, aged about 20 years, male, Son of Chhutaharu Sah @ Chhutahru Shah Resident of Village - Itahari, ward no. 10, P.S.- Marauna, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 22-01-2020 At the outset, learned counsel for the petitioner requests for making correction in paragraph – 12 of the petition with regard to date of custody. He is permitted to make correction in course of the day.

The petitioner seeks bail in Laukahi P.S. Case No. 258 of 2019, corresponding to G.R. No. 2438 of 2019, registered for the offence under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a), 37(c) of Bihar Prohibition and Excise (Amendment) Act, 2018.

In this case, 370 liters of Nepali wine is said to have recovered from the vehicle in question, in which, petitioner was also travelling.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and nothing has been recovered from his conscious possession. Petitioner was simply



a co-passenger in the vehicle. He was neither owner nor driver of the vehicle. It is further submitted that mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. There is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 25-12-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IInd cum Special Judge, Excise Act, Madhubani in connection with Laukahi P.S. Case No. 258 of 2019, corresponding to G.R. No. 2438 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

anay

U		T	
---	--	---	--

